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			EXAMINER AGWUMEZIE, CHARLES C	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,950

Applicant(s)

VANFLEET ET AL.

Examiner

CHARLES C. AGWUMEZIE

Art Unit

3685

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 22-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 27-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 11/25/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: _____.

DETAILED ACTION

Acknowledgments

1. Applicants' amendment filed on December 9, 2008 is acknowledged. Accordingly claims 1-21 and 27-38 remain pending.

Response to Arguments

2. Applicant's arguments filed December 9, 2008 have been fully considered but they are not persuasive.

3. With respect to claim 1, Applicant argues that the apparatus in Pitroda significantly differs from the process of the present claims. Specifically, claim 1 and similarly claims 15, 16 and 27 recite that a "credential is a universal debit transaction processing mechanism which allows the customer to interface with the plurality of accounts each with a different account type." In contrast Pitroda discloses a universal electronic transaction (UET) card which is connected to a point of sale terminal.

In response, Examiner respectfully disagrees with Applicants' interpretation and submits that the universal electronic transaction card (UET) of Pitroda is equivalent to the claimed debit transaction mechanism of the current application. Examiner interprets a debit processing mechanism as an alternative payment method to cash when making purchases just like the universal electronic transaction mechanism disclosed in Pitroda which is debited when making a transaction. In each case, money is debit from the card or account associated with the card when making a transaction. Thus functionally of

both payment methods are the same. Furthermore there is no claim limitation that recites that the claimed debit processing is not a card.

4. Applicant further argues that the apparatus in Pitroda is a physical card with a speaker, LED, electrical contact, display etc. Further the card must be connected to a special terminal, which is then connected to a POS device. In contrast, claim 1's universal debit transaction processing mechanism is not embodied in a physical card or similar medium which requires a physical connection to an external device. In stead, claim 1 recites a process which allows a user to interface with the plurality of accounts each with a different account type, without the need of a physical card or device.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "without the need of a physical card or device") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner further submits that the universal debit transaction card is a physical card. If it not a physical card why then the recitation in the specification: "For instance, a letter with a PIN number assigned to the customer may be mailed separately. The enrollment module 236 may also initiate a request to a card embossment facility 240 to generate 414 a new card magnetically encoded with the payment network account number (0040). Purchase items may be selected 500 at a physical merchant site or a virtual site, such as an Internet site, provided by the merchant. After selecting the items, the customer then provides 502 a

credential assigned to the customer to access the payment network 100 as payment for the items or services (see 0041). Analyzing the disclosure above, it is clear that the customer presents his card to the merchant which is then used for the payment. Thus the debit transaction processing mechanism is a physical card because the card is magnetically encoded with the payment network account number.

5. With respect to **claims 2-14, 17-21, and 28-38**, Applicant argues that these claims depend from claims 1, 15, 16, and 27 and therefore are believed to be allowable over Pitroda at least by virtue of their dependence from allowable base claims.

In response, Examiner respectfully disagrees and submits that these claims are neither allowable being dependent from claims 1, 15, 16 and 27 nor for their own recited individual features.

6. With respect to **claim 16**, Applicant argues that Linehan does not disclose "determining ... an apportionment of the cost to apply to each of the plurality of accounts" where the cost is the cost of the financial transaction between the merchant and the consumer. That Linehan discloses that a merchant can divide a payment into two or more portions that are separately authorized and settled, without consumer interaction. That a payment is not a cost. That a payment is specifically an amount of funds required to purchase an item, whereas a cost is the cost of completing the transaction...that claim 16, divides the cost of the transaction between the merchant and the customer.

In response, Examiner disagrees with the Applicant's interpretation. The cost of the transaction according to Applicant's specification is divided among the various

accounts and never between the merchant and the customer. Even claim 16 does not have such claim limitation whereby the cost of the transaction is divided between the merchant and the customer. Determining, at the payment network, an apportionment of the cost to apply to each of the plurality of accounts does not translate dividing cost between the merchant and the customer. Besides, the plurality of accounts belongs to the customer and not to the merchant. Accordingly Linehan does disclose "determining, at the payment network, an apportionment of the cost to apply to each of the plurality of accounts" as claimed.

7. With respect to **claims 2-3, 5, 7, 17-19, 28-29 and 31-32**, Applicant argues that these claims depend from one of claims 1, 15, 16, and 27 and therefore are believed to be allowable over Pitroda in view of Linehan at least by virtue of their dependence from allowable base claims.

In response, Examiner respectfully disagrees and submits that these claims are neither allowable being dependent from claims 1, 15, 16 and 27 nor for their own recited individual features.

8. With respect to **claim 20 and 21**, Applicant argues that these claims depend from claim 16 and therefore are believed to be allowable over Pitroda in view of Cohen at least by virtue of their dependence from allowable base claims.

In response, Examiner respectfully disagrees and submits that these claims are neither allowable being dependent from claims 16 nor for their own recited individual features.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1, 4, 6, 8-15, 27, 30, 33-38**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitroda U.S. Patent Application Publication No. 2005/0247777 A1.

11. As per **claims 1, 15, and 27**, Pitroda discloses a computerized method comprising:

receiving, at a payment network, a first information packet from a merchant, the first information packet including a cost of a financial transaction between the merchant and a customer and a credential presented by the customer as a payment for the financial transaction (0099, which discloses sending the information received from the UET cardincluding the amount of the transaction...);

wherein the credential is associated with a plurality of accounts each with different account types the association maintained on behalf of the customer by the payment network, wherein the credential is a universal debit transaction processing mechanism which allows the customer to interface with the plurality of accounts each with a different account type (see figs. 1, 12, 13 and 14, which discloses consolidated financial accounts of varying types into a single instrument; 0020, which discloses

selecting from UET card a service institution account from a group of service institution accounts...; 0022; 0023; 0039; 0040; 0098; 0099);

using the credential to determine, with the payment network, account information that identifies the plurality of accounts maintained by the payment network and authorization information that allows access to the plurality of accounts (0020, which discloses selecting from UET card a service institution account from a group of service institution accounts...; 0022; 0023; 0039; 0040; 0098; 0099);

generating, at the payment network, a second information packet comprising the account information and the authorization information (0100, which discloses that the American Express service then provides a credit check and if appropriate, sends an authorization code to the CIU....);

selecting one of the plurality of accounts and directing a financial transaction network which correspond to the type of the selected account to transmit the second information packet to the financial institution of the type of the selected account (0020, which discloses selecting from UET card a service institution account from a group of service institution accounts...; 0022; 0023; 0039; 0040; 0098; 0099);

transmitting from the payment network the second information packet to the financial institution using the financial transaction network, with a request to perform a debit transaction from the selected account for at least a portion of the cost of the financial transaction (0020, which discloses transmitting from the point transaction system to the service institution system transaction informational information for the credit transaction...; 0099; 0100).

What Pitroda does not explicitly use is the claim phrase debit transaction processing mechanism. However Examiner interprets a debit processing mechanism as an alternative payment method to cash when making purchases. Functionally the Universal card of Pitroda is equivalent to the debit processing mechanism of the current application because in either case money is debited either from the card or from bank account associated with the card. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Pitroda and incorporate the method, wherein debit transaction processing mechanism is used to substitute for the universal card processing mechanism as disclosed by Pitroda.

12. As per claims 4, and 30, Pitroda further discloses the method, further comprising:

receiving, at the payment network, a response from the financial institution indicating approval or denial of the debit transaction (0096, which discloses approves the user; 0099); and

transmitting, from the payment network, an authorization code to the merchant indicating approval or denial of the financial transaction in accordance with the response received from the financial institution (0100, which discloses that the American Express service then provides a credit check and if appropriate, sends an authorization code to the CIU....).

13. As per claims 6 and 36, Pitroda further discloses the method, wherein:

the account information comprises a primary account number for the identified financial account (0099; 0100); and

the authorization information comprises a personal identification number assigned to the customer for accessing the identified financial account (0096, which discloses identify the user, either through a PIN code given to the user by the service institution; 0100).

14. As per **claims 8 and 33**, Pitroda further discloses the method, wherein selecting one of a plurality of financial transaction networks comprises selecting an automated clearing house ("ACH") network (see fig. 30).

15. As per **claims 9 and 34**, Linehan further discloses the method, wherein selecting one of a plurality of financial transaction networks comprises selecting a debit system (see figs. 12-14).

16. As per **claims 10 and 35**, Pitroda further discloses the method, wherein selecting one of a plurality of transaction financial networks comprises selecting a direct network path to the financial institution from the payment network (0099; 0100).

17. As per claims 11 and 37, Pitroda further discloses the method, wherein the credential comprises a payment network account number assigned to the customer to access the payment network (0099; 0100).

18. As per claim 12, Pitroda further discloses the method:

wherein the credential further comprises a personal identification number (PIN) (see fig. 11, 0087; 0096); and

wherein the method further comprises verifying, with the payment network, the PIN is associated with the payment network account (0087; 0096; 0099).

19. As per claims 13 and 38, Pitroda further discloses the method, further comprising crediting, with the payment network, a loyalty program for the customer in response to execution of the financial transaction (0009, which discloses cash back rebates).

20. As per claim 14, Pitroda further discloses the method, wherein receiving the first information packet comprises receiving the first information packet from an Internet merchant and wherein the financial transaction is an Internet-based financial transaction (0028).

21. Claims 2, 3, 5, 7, 16-19, 28-29, and 31-32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitroda U.S. Patent Application Publication No. 2005/0247777 A1 in view of Linehan U.S. patent No. 6,327,578 B1.

22. As per **claim 2 and 28**, Pitroda failed to explicitly disclose the method, further comprising using the credential to determine, with the payment network, second account information that identifies a second financial account maintained by the customer at one of the financial institution and a second financial institution and second authorization information that allows debit access to the identified second financial account.

Linehan further discloses the method, further comprising using the credential to determine, with the payment network, second account information that identifies a second financial account maintained by the customer at one of the financial institution and a second financial institution and second authorization information that allows debit access to the identified second financial account (col. 4, lines 45-55; apply the transaction amount to consumer's credit card or deposit account...; col. 10, lines 50-60; col. 12, lines 50-55; divide payments into two or more portions that are separately authorized...).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Pitroda and incorporate the method, further comprising using the credential to determine, with the payment network, second account information that identifies a second financial account maintained by the

customer at one of the financial institution and a second financial institution and second authorization information that allows debit access to the identified second financial account in view of the teachings of Linehan since the claimed invention is merely a combination of old and known elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in art would have recognized that the results of the combination were predictable.

23. As per **claim 3 and 29**, Pitroda failed to explicitly disclose the method further comprising:

determining, at the payment network, an apportionment of the cost among the first and second financial accounts;

generating, at the payment network, a third information packet comprising the second account information, the second authorization information, and a portion of the cost to apply to the second financial account in accordance with the apportionment; and wherein the second information packet further includes a second portion of the cost to apply to the financial account in accordance with the apportionment

Linehan further discloses the method, further comprising:

determining, at the payment network, an apportionment of the cost among the first and second financial accounts (col. 12, line 50-col. 13, line 30; divide payments into two or more portions that are separately authorized...);

generating, at the payment network, a third information packet comprising the second account information, the second authorization information, and a portion of the

cost to apply to the second financial account in accordance with the apportionment (col. 12, line 50-col. 13, line 30; split payments with separate authorizations...);

and wherein the second information packet further includes a second portion of the cost to apply to the financial account in accordance with the apportionment (col. 12, line 50-col. 13, line 60).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Pitroda and incorporate the method, further comprising determining, at the payment network, an apportionment of the cost among the first and second financial accounts; generating, at the payment network, a third information packet comprising the second account information, the second authorization information, and a portion of the cost to apply to the second financial account in accordance with the apportionment; and wherein the second information packet further includes a second portion of the cost to apply to the financial account in accordance with the apportionment in view of the teachings of Linehan since the claimed invention is merely a combination of old and known elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in art would have recognized that the results of the combination were predictable.

24. As per **claims 5, and 31**, Pitroda failed to explicitly disclose the method further comprising:

performing, with the payment network, a risk analysis of the financial transaction; and determining, with the payment network, whether to provide a guarantee of the financial transaction to the merchant based on the risk analysis, wherein the authorization code further reflects whether the guarantee is provided

Linehan further discloses the method, further comprising:

performing, with the payment network, a risk analysis of the financial transaction (col. 13, lines 1-30; gateway verifies split payment ...according to its risk management policies...); and

determining, with the payment network, whether to provide a guarantee of the financial transaction to the merchant based on the risk analysis, wherein the authorization code further reflects whether the guarantee is provided (col. 4, lines 45-65; ...undeniable proof that the issuer authorized the payment...).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Pitroda and incorporate the method, further comprising performing, with the payment network, a risk analysis of the financial transaction; and determining, with the payment network, whether to provide a guarantee of the financial transaction to the merchant based on the risk analysis, wherein the authorization code further reflects whether the guarantee is provided in view of the teachings of Linehan since the claimed invention is merely a combination of old and known elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in art would have recognized that the results of the combination were predictable.

25. As per claims 7 and 32, Pitroda failed to explicitly disclose method wherein selecting one of a plurality of transaction networks comprises:

performing, with the payment network, a risk analysis of the financial transaction;
and

selecting the financial transaction network based on the risk analysis.

Linehan further discloses the method, wherein selecting one of a plurality of transaction networks comprises:

performing, with the payment network, a risk analysis of the financial transaction (col. 13, lines 1-30; gateway verifies split payment ...according to its risk management policies...); and

selecting the financial transaction network based on the risk analysis (col. 13, lines 1-30; gateway verifies split payment ...according to its risk management policies...).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Pitroda and incorporate the method, wherein selecting one of the plurality of transaction networks comprises performing, with the payment network, a risk analysis of the financial transaction; and selecting the financial transaction network based on the risk analysis in view of the teachings of Linehan since the claimed invention is merely a combination of old and known elements, and in the combination each element would have performed the same

function as it did separately, and one of ordinary skill in art would have recognized that the results of the combination were predictable.

26. As per **claim 16**, Pitroda discloses a computerized method comprising:

receiving, at a payment network, an information packet from a merchant, the information packet including a cost of a financial transaction between the merchant and a customer and a credential assigned to the customer for the financial transaction (0099, which discloses sending the information received from the UET cardincluding the amount of the transaction...),

wherein the credential is associated with a plurality of accounts each with different account types the association maintained on behalf of the customer by the payment network, wherein the credential is a universal debit transaction processing mechanism which allows the customer to interface with the plurality of accounts each with a different account type (see figs. 1, 12, 13 and 14, which discloses consolidated financial accounts of varying types into a single instrument; 0020, which discloses selecting from UET card a service institution account from a group of service institution accounts...; 0001; 0022; 0023; 0039; 0040; 0098; 0099);

using the credential to determine, with the payment network, account information identifying the plurality of accounts maintained by payment network (0020, which discloses selecting from UET card a service institution account from a group of service institution accounts...; 0022; 0023; 0039; 0040; 0098; 0099);

using the credential to determine, with the payment network, authorization information for each of the identified financial accounts that allows access to the identified plurality of accounts (see fig. 15; 0001, which discloses functioning as a number of different credit cards...);

determining, at the payment network, an apportionment of the cost to apply to each of the plurality of the accounts;

generating, at the payment network, a plurality of authentication packets for each of the plurality of accounts, each authentication packet comprising account information for one of the plurality of accounts, authorization information for the account, and the determined apportionment of the cost to apply to the account (0001, which discloses issuing an account authorization to a UET card ... capable of functioning as a number of different credit cards ...; 0020, which discloses transmitting authorization for the credit transaction to the point of sale transaction system...);

selecting one of the plurality of accounts and directing a financial transaction network which correspond to the type of the selected account to transmit the second plurality of authentication packets to the financial institution of the type of the selected account (0020, which discloses selecting from UET card a service institution account from a group of service institution accounts...; 0022; 0023; 0039; 0040; 0098; 0099);
and

transmitting from the payment network using the selected financial transaction network, each of the authentication packets to the respective financial institution of the

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type of selected account (0020, which discloses transmitting authorization for the credit transaction to the point transaction system ...; 0099; 0100).

27. What Pitroda does not explicitly disclose is:

determining, at the payment network, an apportionment of the cost to apply to each of the plurality of the accounts;

28. Linehan discloses:

determining, at the payment network, an apportionment of the cost to apply to each of the plurality of the accounts (col. 12, lines 50-55; ...divide payments into two or more portions that are separately authorized...);

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Pitroda and incorporate the method, comprising determining, at the payment network, an apportionment of the cost to apply to each of the plurality of the accounts in view of the teachings of Linehan in order to ensure that the cost is covered by the amount of money available through each account.

29. As per claims 17 and 19, Pitroda further discloses the method, further comprising receiving,

at the payment network, a response to one of the authentication packets indicating denial of the debit transaction (0096, which discloses approves the user; 0099); and

transmitting an additional authentication packet comprising account information for a second one of the identified financial accounts different from the financial account associated with the denied authentication packet, authorization information for the second financial account, and the determined apportionment of the cost comprised by the denied authentication packet (0100, which discloses that the American Express service then provides a credit check and if appropriate, sends an authorization code to the CIU).

30. As per claim 18, Pitroda further discloses the method, further comprising:

receiving a response to the additional authentication packet indicating denial of the debit transaction (0011; 0013; 0015); and

transmitting, from the payment network, an authorization code to the merchant indicating denial of the financial transaction (0100; 0017; 0018; 0020).

31. Claims 20 and 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitroda U.S. Patent Application Publication No. 2005/0247777 A1 in view of Linehan U.S. Patent No. 6,327,578 B1 and further in view of Cohen U.S. Patent No. 6,422,462 B1.

32. As per **claim 20**, both Pitroda and Linehan failed to explicitly disclose the method, wherein determining an apportionment of the cost comprises apportioning the cost equally among the identified financial accounts.

33. Cohen discloses the method, wherein determining an apportionment of the cost comprises apportioning the cost equally among the identified financial accounts (col. 9, lines 45-55; ...distributed over plurality of cards...designating particular sum...).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Pitroda and incorporate the method, wherein determining an apportionment of the cost comprises apportioning the cost equally among the identified financial accounts in view of the teachings of Cohen since the claimed invention is merely a combination of old and known elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in art would have recognized that the results of the combination were predictable.

34. As per **claim 21**, both Pitroda and Linehan failed to explicitly disclose the method, wherein determining an apportionment of the cost comprises using an allocation apportionment specified by the customer.

Cohen discloses the method, wherein determining an apportionment of the cost comprises using an allocation apportionment specified by the customer (col. 9, lines 45-55).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Pitroda and incorporate the method, wherein determining an apportionment of the cost comprises using an allocation apportionment specified by the customer in view of the teachings of Cohen since the claimed invention is merely a combination of old and known elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in art would have recognized that the results of the combination were predictable.

Conclusion

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on **(571) 272 – 6709**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Charlie C Agwumezie/
Primary Examiner, Art Unit 3685
March 2, 2009